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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

IN THE MATTER OF THE APPLICATION OF  
MATRIX TELECOM, INC. DBA MATRIX  
BUSINESS TECHNOLOGIES FOR APPROVAL  
OF A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE FACILITIES BASED  
LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICES.

DOCKET NO. T-03228A-06-0800

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 26, 2006, Matrix Telecom, Inc. dba Matrix Business Technologies ("Matrix" or "Applicant") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based local exchange telecommunications services and facilities-based long distance telecommunications services in Arizona.

On January 25, 2007, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency and first set of data requests in this matter.

On May 17, 2007, Matrix filed its response to the data request.

On June 12, 2007, Staff filed a second Letter of Insufficiency and a second set of data requests.

On July 18, 2007, Staff filed a third Letter of Insufficiency and a third set of data requests.

On July 24, 2007, Matrix filed its response to the data request.

On August 3, 2007, Matrix filed a letter in response to the data request.

On August 14, 2007, Staff filed a fourth Letter of Insufficiency and a fourth set of data requests.

On August 31, 2007, Staff filed a fifth Letter of Insufficiency and a fifth set of data requests.

On September 5, 2007, Staff filed its Staff Report recommending approval of Matrix's application.

1 On September 13, 2007, Matrix filed a Motion for Expedited Hearing, requesting that the  
2 hearing be held promptly so that a recommended opinion and order could be prepared and considered  
3 at the Commission's October 11, 2007 Open Meeting. In order to facilitate an expedited hearing,  
4 Matrix stated that it will order an overnight transcript of the hearing; waive the 10 day period to file  
5 exceptions; and will promptly publish notice of the hearing.

6 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
7 the preparation and conduct of this proceeding.

8 IT IS THEREFORE ORDERED that the **hearing** on the above application shall commence  
9 on **September 27, 2007, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's  
10 offices, 1200 West Washington Street, Phoenix, Arizona 85007.

11 IT IS FURTHER ORDERED that Applicant shall publish notice of the hearing as stated  
12 below, in a newspaper(s) of general circulation in every county in Arizona in which Applicant desires  
13 to provide service **as soon as possible, but no later than September 20, 2007**, and shall file  
14 Affidavits of Publication with the Commission no later than **September 25, 2007**.

15  
16 **IN THE MATTER OF THE APPLICATION OF MATRIX TELECOM, INC.**  
17 **DBA MATRIX BUSINESS TECHNOLOGIES FOR APPROVAL OF A**  
18 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**  
**FACILITIES-BASED LOCAL EXCHANGE**  
**TELECOMMUNICATIONS SERVICES.**  
**Docket No. T-03228A-06-0800**

19 On December 26, 2006, Matrix Telecom, Inc. dba Matrix Business Technologies  
20 ("Matrix" or "Applicant") submitted to the Arizona Corporation Commission  
21 ("Commission") an application for a Certificate of Convenience and Necessity  
22 ("Certificate") to provide facilities-based local exchange telecommunications services.  
23 The Commission's Utilities Division Staff has recommended approval of the  
24 Company's application. The Commission is not bound by the proposals made by the  
25 Company, Staff, or any intervenors, and the Company will be required to provide this  
26 service under the rates and charges and terms and conditions established by the  
27 Commission. Copies of the application, report of the Commission's Utilities Division  
28 Staff, and any written exceptions to the report of the Commission's Utilities Division  
Staff filed by the Company will be available at the Company's offices [insert  
address] and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-  
docket function.

26 The Commission will hold a hearing on this matter beginning **September 27, 2007, at**  
27 **10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.  
Public comments will be taken on the first day of the hearing.

1 The law provides for an open public hearing at which, under appropriate  
2 circumstances, interested parties may intervene. Intervention shall be permitted to any  
3 person entitled by law to intervene and having a direct and substantial interest in the  
4 matter. Persons desiring to intervene must file a written motion to intervene with the  
5 Commission up to the day of the hearing. The motion to intervene must be sent to the  
6 Company or its counsel and to all parties of record, and must contain the following:

- 7 1. The name, address, and telephone number of the proposed intervenor  
8 and of any party upon whom service of documents is to be made if  
9 different from the intervenor.
- 10 2. A short statement of the proposed intervenor's interest in the  
11 proceeding (e.g., a customer of the Company, a shareholder of the  
12 Company, etc.).
- 13 3. A statement certifying that a copy of the motion to intervene has been  
14 mailed to the Company or its counsel and to all parties of record in the  
15 case.

16 The granting of intervention, among other things, entitles a party to present sworn  
17 evidence at the hearing and to cross-examine other witnesses. However, failure to  
18 intervene will not preclude any interested person or entity from appearing at the  
19 hearing and providing public comment on the application or from filing written  
20 comments in the record of the case. You will not receive any further notice of this  
21 proceeding unless you request it.

22 If you have any questions about this application, you may contact the Company at  
23 [insert telephone number]. If you wish to file written comments on the application  
24 or want further information on intervention you may contact the Consumer Services  
25 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,  
26 or call 1-800-222-7000.

27 The Commission does not discriminate on the basis of disability in admission to its  
28 public meetings. Persons with a disability may request a reasonable accommodation  
such as a sign language interpreter, as well as request this document in an alternative  
format, by contacting the ADA Coordinator, Linda Hogan, at [LHogan@azcc.gov](mailto:LHogan@azcc.gov),  
voice phone number 602/542-3931. Requests should be made as early as possible to  
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
105, except that all motions to intervene will be allowed up to the date of the hearing.

IT IS FURTHER ORDERED that Applicant shall file specific disagreements/comments, if  
any, regarding the Staff Report by **September 25, 2007**.

IT IS FURTHER ORDERED that all parties must comply with Rule 38 of the Rules of the  
Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

Rules of Arizona Supreme Court). Representation before the Commission includes to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 13<sup>th</sup> day of September, 2007.

  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

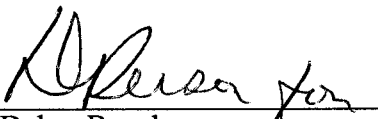
Copies of the foregoing mailed/delivered this 13<sup>th</sup> day of September, 2007 to:

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By:   
Debra Broyles  
Secretary to Yvette B. Kinsey

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
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